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PTO/SB/30 (8/2000)

Approved through 10/31/2002 OMB 0652-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of a utility or plant application
filed on or after June 8, 1995,
See the American Inventors Protection Act of 1999 (AIPA)

Application Number	08/976,440 RCE
Filing Date	November 25, 1997 6. Burns
First Named Inventor	David B. Smith 01/21/03
Group Art Unit	3663
Examiner Name	Nelson Moskowitz
Attorney Docket Number	8830-103 (Formerly MUR-3494)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE Practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Petition for Extension of Time - 3 months (37 C.F.R. 1.136(a))

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GROUP 3600

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2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) - Applicant is a small entity.
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) for three months - Applicant is a small entity.
- iii. ☐ Other
- a. ☐ The Director is hereby authorized to charge the indicated fees to Deposit Account No. _____
- b. ☒ A check in the amount of \$ 830.00 is enclosed to cover the indicated fees.
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- d. ☒ Please charge any additional fees, or credit any overpayment, to Deposit Account No. 50-0573.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Gregory J. Harogian	Registration No. (Attorney/Agent)	30,469
Signature		Date	December 17, 2002

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box RCE, Commissioner for Patents, Washington, DC 20231

Name (Print/Type)	Katie Keogh	Date	December 17, 2002
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Response

C. Burns

01/21/03

In re: Patent application of : Group Art Unit:
David B. Smith : 3663
Serial No.: 08/976,440 : Examiner:
November 25, 1997 : Nelson Moskowitz
For: TRANSMISSION OF DATA IN : Attorney Docket No.:
BOREHOLES : 8830-103
(Formerly MUR-3494)

RESPONSE TO FINAL OFFICE ACTION
UNDER 37 C.F.R. § 1.116

Box RCE
Commissioner for Patents
Washington, D.C. 20231

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GROUP 3600

Sir:

This is in response to the Final Office Action mailed June 21, 2002 with regard to the above-identified application. Submitted herewith is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. It is requested that the finality of the Office Action be withdrawn. The RCE and this response are being filed with a request and fee to extend the shortened period by three months to December 21, 2002.

A check in the amount of \$370.00 is enclosed to cover the small entity fees for the RCE. Authorization is provided to charge any additional fee, or to credit any over-payment, to Deposit Account No. 50-0573.

CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Box RCE, Commissioner for Patents, Washington, D.C. 20231.

BY

Katie Keogh

DATE: December 17, 2002